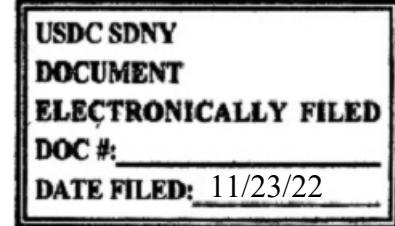




November 22, 2022



Via ECF

Hon. Barbara Moses, Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

MEMO ENDORSED

**Re: LETTER-MOTION SEEKING APPROVAL FOR CLIENT REPRESENTATIVE
TO APPEAR REMOTELY AT DECEMBER 5, 2022 SETTLEMENT
CONFERENCE**

Elizabeth Acosta v. JP Morgan Chase and Chase
Case No: 1:21-cv-01591 (LJL) (BCM)

Dear Magistrate Judge Moses,

We are counsel for the defendant, JPMorgan Chase Bank, N.A., ("JPMC") (incorrectly and collectively sued herein as JP Morgan Chase and Chase). We make the herein letter motion pursuant to Your Honor's Individual Practices Rule 1.b. and Paragraph 6 of Your Honor's Order Scheduling Settlement Conference dated June 6, 2022 (ECF Doc No. 52).

As a matter of procedural history, this personal injury lawsuit is currently scheduled for an in-person Settlement Conference before Your Honor on December 5, 2022 at 2:15 P.M. The Settlement Conference was initially scheduled for September 19, 2022 (ECF Doc #52) but has since been adjourned to December 5, 2022 per Your Honor's Order dated September 8, 2022. (ECF Doc #80)

Paragraphs 1. and 1. a. of the Order Scheduling Settlement Conference require corporate parties to produce "a decision-maker with knowledge of the case and responsibility for determining the amount of any ultimate settlement" to appear **in person** at the upcoming conference. Thereafter, Paragraph 6 affords the parties an opportunity to move, by letter-motion, to modify, among other things, the attendance requirements for the conference, to the extent that an in-person appearance would constitute a significant hardship.

Accordingly, we respectfully submit the herein letter motion seeking Your Honor's permission to have JPMC's corporate representative, Kathleen Pendergraft, be allowed to appear remotely (by telephone, video conference, or whichever other remote means preferable to the Court). Ms. Pendergraft is the Vice President of Casualty Insurance Claims at JPMorgan Chase Bank, N.A. within their Corporate Insurance Services Department and is the decision-maker with knowledge of the case and is vested with the authority to make ultimate settlement decisions on behalf of JPMC. But she is not physically local as she resides and works in Texas. Her office



address is 8181 Communications Parkway, Building B, Plano, TX 75024-0239. As Ms. Pendergraft's physical presence in New York would constitute a significant hardship to both her and JPMC (i.e. she would have to make travel arrangements to New York, find appropriate boarding in order to appear in person, and miss a number of days of work to attend in person, which, unfortunately, is a bigger task than in pre-pandemic times), we respectfully request she be permitted to attend remotely.

Accordingly, JPMC respectfully requests permission to modify the in-person attendance requirement set forth in Paragraph 1 of the Order Scheduling Settlement Conference to allow JPMC's corporate representative, Kathleen Pendergraft, to appear remotely at the forthcoming Settlement Conference before Your Honor on December 5, 2022 at 2:15 P.M.

Respectfully submitted,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

A handwritten signature in black ink, appearing to read "Robert E. Brann".

Robert E. Brann, Esq.

cc: Via ECF
Counsel of record for all parties

Plaintiff shall promptly respond by letter to defendants' request that their corporate representative be permitted to appear remotely at the December 5, 2022 settlement conference, including plaintiff's position on whether the entire conference should be moved to a remote videoconference, no later than **November 28, 2022**. SO ORDERED.

A handwritten signature in blue ink, appearing to read "Barbara Moses".

Barbara Moses
United States Magistrate Judge
November 23, 2022